



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
PO Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 702,388	10 31 2000	Albert D. Edgar	24012-3	1478

7590 05 19 2003

Dinsmore & Shohl LLP
Martin J Miller Esq
1900 Chemed Center
255 E Fifth Street
Cincinnati, OH 45202

[REDACTED] EXAMINER

GABOR, OTILIA

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2878

DATE MAILED: 05 19 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	09-702,388	Applicant(s)	<i>[Signature]</i> EDGAR ET AL.
Examiner	Ottilia Gabor	Art Unit	2878

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 and the event however may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication
- Failure to reply within the set or extended period for reply, will cause the application to become ABANDONED. 35 U.S.C. § 133
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(c).

Status

- 1) Responsive to communication(s) filed on 01 April 2003.
- 2a) This action is **FINAL** 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-12 and 14-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-12 and 14-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 April 2003 is are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority, under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of
 1) Certified copies of the priority documents have been received.
 2) Certified copies of the priority documents have been received in Application No. _____.
 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau under PCT Rule 17(2)(a).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority, under 35 U.S.C. § 119(e), to a provisional application.
 a) The translation of the foreign language provision of the application has been received.
- 15) Acknowledgment is made of a claim for domestic priority, under 35 U.S.C. §§ 119 and 120.

Attachment(s)

- 1) Notice of References Cited, PTO-892
 2) Notice of Drawings, PTO-144
 3) Information Disclosure Statement, PTO-147
 4) Assignment of Patent Rights, PTO-145
 5) Declaration, PTO-146
 6) Filing Receipt, PTO-144
 7) Drawing, PTO-144
 8) Filing Receipt, PTO-144
 9) Filing Receipt, PTO-144
 10) Filing Receipt, PTO-144
 11) Filing Receipt, PTO-144
 12) Filing Receipt, PTO-144
 13) Filing Receipt, PTO-144
 14) Filing Receipt, PTO-144
 15) Filing Receipt, PTO-144
 16) Filing Receipt, PTO-144
 17) Filing Receipt, PTO-144
 18) Filing Receipt, PTO-144
 19) Filing Receipt, PTO-144
 20) Filing Receipt, PTO-144
 21) Filing Receipt, PTO-144
 22) Filing Receipt, PTO-144
 23) Filing Receipt, PTO-144
 24) Filing Receipt, PTO-144
 25) Filing Receipt, PTO-144
 26) Filing Receipt, PTO-144
 27) Filing Receipt, PTO-144
 28) Filing Receipt, PTO-144
 29) Filing Receipt, PTO-144
 30) Filing Receipt, PTO-144
 31) Filing Receipt, PTO-144
 32) Filing Receipt, PTO-144
 33) Filing Receipt, PTO-144
 34) Filing Receipt, PTO-144
 35) Filing Receipt, PTO-144
 36) Filing Receipt, PTO-144
 37) Filing Receipt, PTO-144
 38) Filing Receipt, PTO-144
 39) Filing Receipt, PTO-144
 40) Filing Receipt, PTO-144
 41) Filing Receipt, PTO-144
 42) Filing Receipt, PTO-144
 43) Filing Receipt, PTO-144
 44) Filing Receipt, PTO-144
 45) Filing Receipt, PTO-144
 46) Filing Receipt, PTO-144
 47) Filing Receipt, PTO-144
 48) Filing Receipt, PTO-144
 49) Filing Receipt, PTO-144
 50) Filing Receipt, PTO-144
 51) Filing Receipt, PTO-144
 52) Filing Receipt, PTO-144
 53) Filing Receipt, PTO-144
 54) Filing Receipt, PTO-144
 55) Filing Receipt, PTO-144
 56) Filing Receipt, PTO-144
 57) Filing Receipt, PTO-144
 58) Filing Receipt, PTO-144
 59) Filing Receipt, PTO-144
 60) Filing Receipt, PTO-144
 61) Filing Receipt, PTO-144
 62) Filing Receipt, PTO-144
 63) Filing Receipt, PTO-144
 64) Filing Receipt, PTO-144
 65) Filing Receipt, PTO-144
 66) Filing Receipt, PTO-144
 67) Filing Receipt, PTO-144
 68) Filing Receipt, PTO-144
 69) Filing Receipt, PTO-144
 70) Filing Receipt, PTO-144
 71) Filing Receipt, PTO-144
 72) Filing Receipt, PTO-144
 73) Filing Receipt, PTO-144
 74) Filing Receipt, PTO-144
 75) Filing Receipt, PTO-144
 76) Filing Receipt, PTO-144
 77) Filing Receipt, PTO-144
 78) Filing Receipt, PTO-144
 79) Filing Receipt, PTO-144
 80) Filing Receipt, PTO-144
 81) Filing Receipt, PTO-144
 82) Filing Receipt, PTO-144
 83) Filing Receipt, PTO-144
 84) Filing Receipt, PTO-144
 85) Filing Receipt, PTO-144
 86) Filing Receipt, PTO-144
 87) Filing Receipt, PTO-144
 88) Filing Receipt, PTO-144
 89) Filing Receipt, PTO-144
 90) Filing Receipt, PTO-144
 91) Filing Receipt, PTO-144
 92) Filing Receipt, PTO-144
 93) Filing Receipt, PTO-144
 94) Filing Receipt, PTO-144
 95) Filing Receipt, PTO-144
 96) Filing Receipt, PTO-144
 97) Filing Receipt, PTO-144
 98) Filing Receipt, PTO-144
 99) Filing Receipt, PTO-144
 100) Filing Receipt, PTO-144
 101) Filing Receipt, PTO-144
 102) Filing Receipt, PTO-144
 103) Filing Receipt, PTO-144
 104) Filing Receipt, PTO-144
 105) Filing Receipt, PTO-144
 106) Filing Receipt, PTO-144
 107) Filing Receipt, PTO-144
 108) Filing Receipt, PTO-144
 109) Filing Receipt, PTO-144
 110) Filing Receipt, PTO-144
 111) Filing Receipt, PTO-144
 112) Filing Receipt, PTO-144
 113) Filing Receipt, PTO-144
 114) Filing Receipt, PTO-144
 115) Filing Receipt, PTO-144
 116) Filing Receipt, PTO-144
 117) Filing Receipt, PTO-144
 118) Filing Receipt, PTO-144
 119) Filing Receipt, PTO-144
 120) Filing Receipt, PTO-144
 121) Filing Receipt, PTO-144
 122) Filing Receipt, PTO-144
 123) Filing Receipt, PTO-144
 124) Filing Receipt, PTO-144
 125) Filing Receipt, PTO-144
 126) Filing Receipt, PTO-144
 127) Filing Receipt, PTO-144
 128) Filing Receipt, PTO-144
 129) Filing Receipt, PTO-144
 130) Filing Receipt, PTO-144
 131) Filing Receipt, PTO-144
 132) Filing Receipt, PTO-144
 133) Filing Receipt, PTO-144
 134) Filing Receipt, PTO-144
 135) Filing Receipt, PTO-144
 136) Filing Receipt, PTO-144
 137) Filing Receipt, PTO-144
 138) Filing Receipt, PTO-144
 139) Filing Receipt, PTO-144
 140) Filing Receipt, PTO-144
 141) Filing Receipt, PTO-144
 142) Filing Receipt, PTO-144
 143) Filing Receipt, PTO-144
 144) Filing Receipt, PTO-144
 145) Filing Receipt, PTO-144
 146) Filing Receipt, PTO-144
 147) Filing Receipt, PTO-144
 148) Filing Receipt, PTO-144
 149) Filing Receipt, PTO-144
 150) Filing Receipt, PTO-144
 151) Filing Receipt, PTO-144
 152) Filing Receipt, PTO-144
 153) Filing Receipt, PTO-144
 154) Filing Receipt, PTO-144
 155) Filing Receipt, PTO-144
 156) Filing Receipt, PTO-144
 157) Filing Receipt, PTO-144
 158) Filing Receipt, PTO-144
 159) Filing Receipt, PTO-144
 160) Filing Receipt, PTO-144
 161) Filing Receipt, PTO-144
 162) Filing Receipt, PTO-144
 163) Filing Receipt, PTO-144
 164) Filing Receipt, PTO-144
 165) Filing Receipt, PTO-144
 166) Filing Receipt, PTO-144
 167) Filing Receipt, PTO-144
 168) Filing Receipt, PTO-144
 169) Filing Receipt, PTO-144
 170) Filing Receipt, PTO-144
 171) Filing Receipt, PTO-144
 172) Filing Receipt, PTO-144
 173) Filing Receipt, PTO-144
 174) Filing Receipt, PTO-144
 175) Filing Receipt, PTO-144
 176) Filing Receipt, PTO-144
 177) Filing Receipt, PTO-144
 178) Filing Receipt, PTO-144
 179) Filing Receipt, PTO-144
 180) Filing Receipt, PTO-144
 181) Filing Receipt, PTO-144
 182) Filing Receipt, PTO-144
 183) Filing Receipt, PTO-144
 184) Filing Receipt, PTO-144
 185) Filing Receipt, PTO-144
 186) Filing Receipt, PTO-144
 187) Filing Receipt, PTO-144
 188) Filing Receipt, PTO-144
 189) Filing Receipt, PTO-144
 190) Filing Receipt, PTO-144
 191) Filing Receipt, PTO-144
 192) Filing Receipt, PTO-144
 193) Filing Receipt, PTO-144
 194) Filing Receipt, PTO-144
 195) Filing Receipt, PTO-144
 196) Filing Receipt, PTO-144
 197) Filing Receipt, PTO-144
 198) Filing Receipt, PTO-144
 199) Filing Receipt, PTO-144
 200) Filing Receipt, PTO-144
 201) Filing Receipt, PTO-144
 202) Filing Receipt, PTO-144
 203) Filing Receipt, PTO-144
 204) Filing Receipt, PTO-144
 205) Filing Receipt, PTO-144
 206) Filing Receipt, PTO-144
 207) Filing Receipt, PTO-144
 208) Filing Receipt, PTO-144
 209) Filing Receipt, PTO-144
 210) Filing Receipt, PTO-144
 211) Filing Receipt, PTO-144
 212) Filing Receipt, PTO-144
 213) Filing Receipt, PTO-144
 214) Filing Receipt, PTO-144
 215) Filing Receipt, PTO-144
 216) Filing Receipt, PTO-144
 217) Filing Receipt, PTO-144
 218) Filing Receipt, PTO-144
 219) Filing Receipt, PTO-144
 220) Filing Receipt, PTO-144
 221) Filing Receipt, PTO-144
 222) Filing Receipt, PTO-144
 223) Filing Receipt, PTO-144
 224) Filing Receipt, PTO-144
 225) Filing Receipt, PTO-144
 226) Filing Receipt, PTO-144
 227) Filing Receipt, PTO-144
 228) Filing Receipt, PTO-144
 229) Filing Receipt, PTO-144
 230) Filing Receipt, PTO-144
 231) Filing Receipt, PTO-144
 232) Filing Receipt, PTO-144
 233) Filing Receipt, PTO-144
 234) Filing Receipt, PTO-144
 235) Filing Receipt, PTO-144
 236) Filing Receipt, PTO-144
 237) Filing Receipt, PTO-144
 238) Filing Receipt, PTO-144
 239) Filing Receipt, PTO-144
 240) Filing Receipt, PTO-144
 241) Filing Receipt, PTO-144
 242) Filing Receipt, PTO-144
 243) Filing Receipt, PTO-144
 244) Filing Receipt, PTO-144
 245) Filing Receipt, PTO-144
 246) Filing Receipt, PTO-144
 247) Filing Receipt, PTO-144
 248) Filing Receipt, PTO-144
 249) Filing Receipt, PTO-144
 250) Filing Receipt, PTO-144
 251) Filing Receipt, PTO-144
 252) Filing Receipt, PTO-144
 253) Filing Receipt, PTO-144
 254) Filing Receipt, PTO-144
 255) Filing Receipt, PTO-144
 256) Filing Receipt, PTO-144
 257) Filing Receipt, PTO-144
 258) Filing Receipt, PTO-144
 259) Filing Receipt, PTO-144
 260) Filing Receipt, PTO-144
 261) Filing Receipt, PTO-144
 262) Filing Receipt, PTO-144
 263) Filing Receipt, PTO-144
 264) Filing Receipt, PTO-144
 265) Filing Receipt, PTO-144
 266) Filing Receipt, PTO-144
 267) Filing Receipt, PTO-144
 268) Filing Receipt, PTO-144
 269) Filing Receipt, PTO-144
 270) Filing Receipt, PTO-144
 271) Filing Receipt, PTO-144
 272) Filing Receipt, PTO-144
 273) Filing Receipt, PTO-144
 274) Filing Receipt, PTO-144
 275) Filing Receipt, PTO-144
 276) Filing Receipt, PTO-144
 277) Filing Receipt, PTO-144
 278) Filing Receipt, PTO-144
 279) Filing Receipt, PTO-144
 280) Filing Receipt, PTO-144
 281) Filing Receipt, PTO-144
 282) Filing Receipt, PTO-144
 283) Filing Receipt, PTO-144
 284) Filing Receipt, PTO-144
 285) Filing Receipt, PTO-144
 286) Filing Receipt, PTO-144
 287) Filing Receipt, PTO-144
 288) Filing Receipt, PTO-144
 289) Filing Receipt, PTO-144
 290) Filing Receipt, PTO-144
 291) Filing Receipt, PTO-144
 292) Filing Receipt, PTO-144
 293) Filing Receipt, PTO-144
 294) Filing Receipt, PTO-144
 295) Filing Receipt, PTO-144
 296) Filing Receipt, PTO-144
 297) Filing Receipt, PTO-144
 298) Filing Receipt, PTO-144
 299) Filing Receipt, PTO-144
 300) Filing Receipt, PTO-144
 301) Filing Receipt, PTO-144
 302) Filing Receipt, PTO-144
 303) Filing Receipt, PTO-144
 304) Filing Receipt, PTO-144
 305) Filing Receipt, PTO-144
 306) Filing Receipt, PTO-144
 307) Filing Receipt, PTO-144
 308) Filing Receipt, PTO-144
 309) Filing Receipt, PTO-144
 310) Filing Receipt, PTO-144
 311) Filing Receipt, PTO-144
 312) Filing Receipt, PTO-144
 313) Filing Receipt, PTO-144
 314) Filing Receipt, PTO-144
 315) Filing Receipt, PTO-144
 316) Filing Receipt, PTO-144
 317) Filing Receipt, PTO-144
 318) Filing Receipt, PTO-144
 319) Filing Receipt, PTO-144
 320) Filing Receipt, PTO-144
 321) Filing Receipt, PTO-144
 322) Filing Receipt, PTO-144
 323) Filing Receipt, PTO-144
 324) Filing Receipt, PTO-144
 325) Filing Receipt, PTO-144
 326) Filing Receipt, PTO-144
 327) Filing Receipt, PTO-144
 328) Filing Receipt, PTO-144
 329) Filing Receipt, PTO-144
 330) Filing Receipt, PTO-144
 331) Filing Receipt, PTO-144
 332) Filing Receipt, PTO-144
 333) Filing Receipt, PTO-144
 334) Filing Receipt, PTO-144
 335) Filing Receipt, PTO-144
 336) Filing Receipt, PTO-144
 337) Filing Receipt, PTO-144
 338) Filing Receipt, PTO-144
 339) Filing Receipt, PTO-144
 340) Filing Receipt, PTO-144
 341) Filing Receipt, PTO-144
 342) Filing Receipt, PTO-144
 343) Filing Receipt, PTO-144
 344) Filing Receipt, PTO-144
 345) Filing Receipt, PTO-144
 346) Filing Receipt, PTO-144
 347) Filing Receipt, PTO-144
 348) Filing Receipt, PTO-144
 349) Filing Receipt, PTO-144
 350) Filing Receipt, PTO-144
 351) Filing Receipt, PTO-144
 352) Filing Receipt, PTO-144
 353) Filing Receipt, PTO-144
 354) Filing Receipt, PTO-144
 355) Filing Receipt, PTO-144
 356) Filing Receipt, PTO-144
 357) Filing Receipt, PTO-144
 358) Filing Receipt, PTO-144
 359) Filing Receipt, PTO-144
 360) Filing Receipt, PTO-144
 361) Filing Receipt, PTO-144
 362) Filing Receipt, PTO-144
 363) Filing Receipt, PTO-144
 364) Filing Receipt, PTO-144
 365) Filing Receipt, PTO-144
 366) Filing Receipt, PTO-144
 367) Filing Receipt, PTO-144
 368) Filing Receipt, PTO-144
 369) Filing Receipt, PTO-144
 370) Filing Receipt, PTO-144
 371) Filing Receipt, PTO-144
 372) Filing Receipt, PTO-144
 373) Filing Receipt, PTO-144
 374) Filing Receipt, PTO-144
 375) Filing Receipt, PTO-144
 376) Filing Receipt, PTO-144
 377) Filing Receipt, PTO-144
 378) Filing Receipt, PTO-144
 379) Filing Receipt, PTO-144
 380) Filing Receipt, PTO-144
 381) Filing Receipt, PTO-144
 382) Filing Receipt, PTO-144
 383) Filing Receipt, PTO-144
 384) Filing Receipt, PTO-144
 385) Filing Receipt, PTO-144
 386) Filing Receipt, PTO-144
 387) Filing Receipt, PTO-144
 388) Filing Receipt, PTO-144
 389) Filing Receipt, PTO-144
 390) Filing Receipt, PTO-144
 391) Filing Receipt, PTO-144
 392) Filing Receipt, PTO-144
 393) Filing Receipt, PTO-144
 394) Filing Receipt, PTO-144
 395) Filing Receipt, PTO-144
 396) Filing Receipt, PTO-144
 397) Filing Receipt, PTO-144
 398) Filing Receipt, PTO-144
 399) Filing Receipt, PTO-144
 400) Filing Receipt, PTO-144
 401) Filing Receipt, PTO-144
 402) Filing Receipt, PTO-144
 403) Filing Receipt, PTO-144
 404) Filing Receipt, PTO-144
 405) Filing Receipt, PTO-144
 406) Filing Receipt, PTO-144
 407) Filing Receipt, PTO-144
 408) Filing Receipt, PTO-144
 409) Filing Receipt, PTO-144
 410) Filing Receipt, PTO-144
 411) Filing Receipt, PTO-144
 412) Filing Receipt, PTO-144
 413) Filing Receipt, PTO-144
 414) Filing Receipt, PTO-144
 415) Filing Receipt, PTO-144
 416) Filing Receipt, PTO-144
 417) Filing Receipt, PTO-144
 41

Response to Amendment

1. The amendments filed 04/01/2003 have been entered.

Information Disclosure Statement

2. The information disclosure statement filed 10/18/2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2878

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5, 8-12, 14, 17-26, 29, 30-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (U. S. Patent 6075590) and further in view of Ross et al. (U. S. Patent 3748471).

Edgar discloses an apparatus and method by which the surface defects in a scan of a film containing the image using visible light is corrected by scanning the film containing the image with infrared light. The system comprises:

- a source of visible and infrared light 508 (808) from which both the visible and infrared light are simultaneously irradiating the image storing surface 504 (804) containing a defect 506 (806)
- a camera 510 (810) containing a sensor configured to detect both the infrared and the visible light, which was transmitted (Fig.5) or reflected (Fig.8) through the image storing medium. The first signal is generated from the visible light detected and the second signal is generated from the infrared light detected whereby the second signal is used to modify the first image signal to generate a modified digital representation of the image.

Edgar uses one camera with a sensor adapted to capture the visible and infrared signals and fails to disclose a reflective surface wherfrom either the visible or the infrared light will be reflected and either the infrared or visible light will be transmitted before the signals are detected in the sensor. However, having a configuration which includes two detectors where each of the sensors are adapted to detect one specific

Art Unit: 2878

type of radiation (i.e., having one sensor detect visible and one detect infrared) or having a configuration where one detector is selectively sensitive to both visible and infrared radiation is a matter of design choice since the end result is the same and thus it would have been obvious to one of ordinary skill in the art to substitute the configuration of Edgar with the one disclosed by Ross et al. In the system of Ross et al. the visible and the infrared light which passed through the object 12 is directed to a reflective surface 62 which reflects the visible light 64 (66) into the sensor 52 (54) adapted to detect visible light and transmits the infrared light into a sensor 70 adapted to detect infrared light. The optical path of the infrared light is different than the optical path of the visible light and these optical paths can be changed independent of each other (i.e., since one sensor is independent of the other changing the position of one sensor changes the optical path). Thus in the case where two detectors are used to capture the independent specific lights there is a need for a reflecting surface such as mirrors 62, 64, 66 which could either reflect visible and transmit infrared or transmit visible and reflect visible light into the independent detectors.

Regarding claims 3, 12 Edgar and Ross et al. disclose one source which irradiates both visible and infrared light instead of having two sources, however this constitutes only a matter of design choice since it is well known in the art to use different sources for different radiations and since Applicant has not disclosed that having two light sources instead of one solves any stated problems or is for any particular purpose.

Regarding claims 9, 18 and 22 Ross et al. fails to disclose a hot or cold mirror as the reflecting surface, however this constitutes a matter of design choice since hot and cold mirrors are well known and used reflective surfaces in the art.

6. Claims 6, 7, 15, 16, 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar and Ross et al. and further in view of Edgar (WO 98/34397).

Edgar and Ross et al. fail to disclose the type of sensor used in the detection of infrared and visible light as including a linear or trilinear CCD array, however as shown by Edgar (WO 98/34397) linear and trilinear CCD arrays are well known to be used in the process of correcting a scanned image of a film containing the image by using visible and the corrective infrared light. As such, using these CCD arrays constitutes only an obvious matter of design choice.

Response to Arguments

7. The arguments presented by the Applicant and filed 04/01/2003 have been considered but they are not persuasive: Mainly the arguments presented are that the references do not disclose the limitation that the optical distance between the image storing medium and one detector is different than the optical distance between the image storing medium and the second detector and that the references do not disclose the limitation that the distance between the detectors can be changed. These arguments are not persuasive because the second reference (Ross et al.) used to supply the limitation that the radiation from the image storing medium is picked up by two detectors instead of one (one responsive to IR and one to visible), discloses at least

two independent detectors (50, 52, 54) that are located at a different optical distances from the image 12 (see Fig.4). Also since the detectors are independent and portable and since the image is taken at different detector configurations (see Figs.2.3.5) and since there is no explicit limitation that the detectors are positioned in a rigid configuration (one from the other), it is inherent that the distance between them can be changed any time a different configuration is needed (see in Fig.2, the detectors are positioned differently than in Fig.4). Since the Applicant has not argued about the validity of the combination of the two references, the claims are still rejected as shown in detail above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2878

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 703-305-0384. The examiner can normally be reached on Monday-Friday between 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 703-308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956

og
May 7, 2003

DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800